

EXHIBIT D

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
This document relates to: <i>Thomas Burnett, Sr., et al. v. The Islamic Republic of Iran, et al.</i>	15-cv-9903 (GBD) (SN) ECF Case

DECLARATION OF ANTONIO FERNANDEZ

I, Antonio Fernandez, pursuant to 28 U.S.C. § 1746, do hereby declare under penalty of perjury as follows:

1. I am more than 18 years of age and competent to testify in court to the matters stated below. The statements made in this Declaration are based on my personal knowledge unless otherwise indicated.

2. At the time of these terrorist attacks, I was a citizen of the Dominican Republic. I later became a United States Citizen in 2004. Attached as Exhibit A to this Declaration are true and correct copies of my current proof of U.S. citizenship.

3. I was employed with American Building Maintenance (ABM) on September 11, 2001. I worked as a maintenance employee with ABM at the World Trade Center (WTC) property. I had been employed with ABM for over ten years at the time of the 9/11 attacks.

4. On the morning of September 11th, I had been vacuuming a common area on the 35th Floor of the South Tower. As I completed my job duties, I heard a huge explosion. To my horror, I then saw a large hole in the side of the WTC's North Tower with smoke billowing from the area. I began to panic and worry that I might be in extreme danger.

5. My coworkers and I immediately went to the emergency stairwell so that we could leave the building. As I approached each stairwell landing while descending from the 35th Floor, an ever-increasing number of people also entered the stairwell. Due to the crowd of panicked people entering the stairwell, I had difficulty walking down the steps. At some point during my descent, people began to panic and they attempted to run past me to get down the stairs and out of the building.

6. As people pushed by me to escape from the stairwell, I fell down and my lower back and left leg slammed against the concrete steps. People trampled over me and caused further injury to my lower back, left leg, left knee, and my left ankle. Despite my injuries, my coworker helped me to my feet and I continued to stumble down the stairs.

7. After I had descended down the remaining stairs, I finally reached the lobby area of the South Tower. The scene in the lobby was like a war zone. I saw injured people everywhere and everyone was crying and screaming.

8. I was determined to escape from the building, so I went outside to the street level in front of the South Tower. As I escaped from the South Tower, police officers escorted me away from the area and to a waiting taxicab.

9. The taxicab brought me to Canal Street, where I met my wife. My wife helped me to get home after one of the worst days of my life.

10. I sought initial medical treatment for my 9/11-related injuries on September 12, 2001, with Dr. Theodore C. Docu. In the months and years after the events of 9/11, I further sought medical treatment with several orthopedic doctors and psychiatrists for my physical and emotional injuries. As a result of these terrorist attacks, I suffered the following injuries¹ on September 11, 2001: a lumbar injury to my

¹ See, 9/11 Injury Records of Antonio Fernandez (FERNANDEZ_MEDS_0001), attached hereto as Exhibit B, at 0001-0031.

back with a bulging disc², left knee derangement with torn meniscus³, as well as left ankle derangement with a torn ligament⁴. Further, due to the horrific events that I experienced on 9/11, my doctors diagnosed me with depression and post-traumatic stress disorder⁵.

11. Attached as Exhibit B to this Declaration is a true and correct copy of my select relevant medical records confirming my physical and emotional injuries following the September 11, 2001, terrorist attacks.

12. I previously pursued a claim (VCF 212-000582) through the September 11th Victim Compensation Fund (VCF) specifically related to my physical injuries incurred on September 11, 2001, and my claim was determined to be eligible for compensation.

² *Id.* at 0001, 0004-0006, 0008-0009, 0012-0013, 0015-0016, 0018, 0025, and 0027-0031.

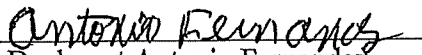
³ *Id.* at 0001, 0004-0011, and 0027-0031.

⁴ *Id.* at 0004-0006, 0008-0010, 0015, 0018, 0020, 0022, and 0027-0031.

⁵ *Id.* at 0005-0006, 0008, 0013-0019, 0020, 0022-0025, and 0028-0030.

I DECLARE, VERIFY AND STATE UNDER PENALTY OF PERJURY that the foregoing is true and correct.

DATED this 22nd day of December 2023.


Declarant Antonio Fernandez

**EXHIBITS
FILED
UNDER SEAL
(ECF No.
5716)**